



Commonwealth of Massachusetts State Ethics Commission

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SUFFOLK, ss.

COMMISSION ADJUDICATORY
DOCKET NO. 529

IN THE MATTER OF ANGELO M. SCACCIA

Appearances:

David A. Wilson, Esq.
Counsel for Petitioner

Thomas R. Kiley, Esq.
Counsel for Respondent

Commissioners:

Wagner, Ch., Moore,
Cassidy, Roach, and Dolan

DECISION AND ORDER

I. Procedural History

This matter was remanded by the Superior Court on October 23, 2000, upon Order of the Supreme Judicial Court. The Supreme Judicial Court ordered the remand to the Commission "for a hearing regarding the civil penalty to be assessed against Scaccia," in light of the Court's decision that there was not substantial evidence to support the Commission's conclusion that Representative Scaccia violated G.L. c. 268A, §3, but that the Commission was correct in its conclusions that Representative Scaccia violated G.L. c. 268A, §23(b)(3), G.L. c. 268B, §6, and G.L. c. 268B §7. *Scaccia v. State Ethics Commission*, 431 Mass. 351, 359 (2000).

Following remand, the Respondent filed a Motion For A New Hearing, asking the Commission to hold further hearings and take additional evidence regarding the substantive chapter 268A and chapter 268B violations. The Petitioner opposed this motion.

The parties submitted briefs on the Motion for A New Hearing and on the disposition of the case. On June 20, 2001 the Commission held a hearing on the Motion and on the Disposition issue. Each party presented oral argument.

II. Decision and Disposition

Having fully considered the parties' written and oral arguments, we conclude that the Respondent, Representative Scaccia, has not proven, by a preponderance of the evidence, either under the standards of G.L. c. 30A, §14(6) or Mass. R. Civ. P. 60(b), that any additional evidence would be material to the outcome of the case and could not have been presented at the original hearing of the case. Accordingly, the Respondent's Motion for A New Hearing is **DENIED**.

Having concluded in the original adjudicatory hearing that the Respondent violated G.L. c. 268A, §23(b)(3), G.L. c. 268B, §6, and G.L. c. 268B, §7 and pursuant to the authority granted it by G.L. c. 268B, §4(j), the State Ethics Commission hereby **orders** Representative Angelo M. Scaccia to pay a civil penalty of \$ 1,400 for violations of G.L. c. 268A, §23(b)(3) and a civil penalty of \$350 for violations of G.L. c. 268B, §7, resulting in an aggregate total civil penalty of \$ 1750.00. The Commission declines to assess an additional civil penalty for the violations of G.L. c. 268B, §6 because the predicate conduct for the §6 violations is the same as the conduct found to violate G.L. c. 268A, §23(b)(3).

DATE: August 8, 2001